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PATENT
ATTORNEY DOCKET: 46884-5428

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Katsumi SHIBAYAMA) Confirmation No.: 4124
)
Application No.: 10/550,688) Group Art Unit: 2814
)
Filed: July 14, 2006) Examiner: Pham Long
)
For: PHOTODIODE ARRAY AND)
PRODUCTION METHOD THEREOF,)
AND RADIATION DETECTOR)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

RESPONSE TO ELECTION
REQUIREMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to Restriction Requirement in response to the Office Action dated June 14, 2007.
2. Additional papers enclosed:
 - ☐ Drawings: _____ sheets with _____ figures
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$120.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	14	minus	20	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. § 1.16(b))	3	minus	3	0	x \$200 each =	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Enclosed is a check in the amount of \$120.00 for the one-month extension of time fee.
- ☐ The Commissioner is hereby authorized to charge _____ to Deposit Account No. 50-0573 for the _____ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP


By:

Paul A. Fournier
Registration No. 41,023

Dated: July 30, 2007

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Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In an Office Action dated June 14, 2007, the period for response to which extends through August 14, 2007, by the concurrently filed petition for a one-month extension of time, the Examiner required restriction/election under 35 U.S.C. §§ 121 and 372 between Group I, (claims 1-6 and 11-12) allegedly drawn to “a semiconductor device” or Group II (claims 7-10), allegedly drawn to “a semiconductor process.”

Examiner Long Pham has issued the June 14, 2007 Office Action as a second restriction requirement in this application, further to the previous restriction requirement that she had previously issued on March 9, 2007.

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Applicant had previously responded to the original March 9, 2007 restriction requirement with a Response to Restriction Requirement filed on March 27, 2007. At page 2 of the June 14, 2007 action, Examiner Long Pham notes that “[i]n the response dated 03/27/07, the applicant elected [claims] 1-6 and 11-12 to be examined, however claim 12 depends on non-elected claim 7, it must be rewritten to depend on elected claims or be withdrawn.”

It is respectfully submitted that Applicants proceeded with the form of their March 27, 2007 election because in the original restriction requirement action mailed on March 9, 2007, Examiner Long Pham required restriction/election under 35 U.S.C. §§ 121 and 372 between Group I, (claims 1-6 and 11-12) allegedly drawn to “a semiconductor device” or Group II (claims 7-10), allegedly drawn to “a semiconductor process.” Because Examiner Long Pham had included claim 12 in Group I, as noted above, Applicant was led by the Examiner to proceed with also including claim 12 in their elected Group I.

In the latest restriction requirement dated June 14, 2007, Examiner Long Pham once again includes claim 12 in her proposed Group I at page 2 of the Office Action. Examiner Long Pham is respectfully requested to provide clarification in the next Office Communication why claim 12 has once again been included in her proposed Group I in this latest restriction requirement dated June 14, 2007 even in light of the foregoing circumstances.

Nevertheless, to avoid further possible delay in this regard, Applicant hereby elects what they understand Examiner Long Pham intended as being Group I (claims 1-6 and 11) for examination.

To the extent that any of Applicant’s understandings are incorrect, as set forth above, clarification is respectfully requested in the next Office Communication.

Applicant respectfully requests formal examination of this application.

Besides the extension fee for a one-month extension of time that is being paid concurrently herewith, Applicant respectfully asserts that no additional fee is due in connection with the filing of this response. However, if there are any additional fees due in connection with the filing of this response, please charge those fees to Deposit Account No. 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP



Dated: July 30, 2007

By:

Paul A. Fournier
Reg. No. 41,023

Customer No. 055694

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